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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,633	12/31/1999	LI-SHUN WANG	042390.P7832	8091

7590 03/18/2002

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EXAMINER

GARCIA, JOANNIE A

ART UNIT PAPER NUMBER

2823

DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/476,633	Applicant(s) WANG ET AL
Examiner Joannie A Garcia	Art Unit 2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

THE REPLY FILED 05 March 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

- 3. Applicant's reply has overcome the following rejection(s): _____
- 4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
- 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

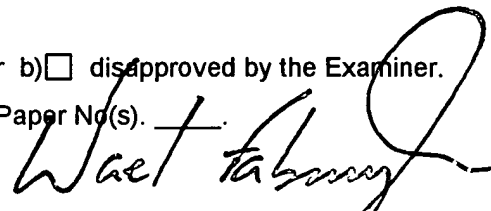
Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-4, 6-28.

Claim(s) withdrawn from consideration: _____

- 8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
- 9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 10. Other: _____



**SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2300**

Art Unit: 2823

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7, 9-12, 15, 18, 19, and 26-28 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kishii et al.

The rejection is maintained as stated in the Office Action mailed 12-17-01, and as stated below.

Applicant argues that the step disclosed in Column 14, lines 57-58, of Kishii et al is not encompassed by the term "rinse". Applicant points out to exhibit A attached to the amendment filed 3-5-02, stating that the definition of "rinse" therein excludes the step of Column 14, lines 57-58. However, the step disclosed in Column 14, lines 57-58 falls within the definition of exhibit A because the slurry used in the chemical mechanical polishing step is removed using water, which stops the chemical action of the CMP slurry, in view of this definition and the definition provided in the Office Action mailed 12-17-01.

Claims 6, 8, 13, 14, 16, 17, and 20-22, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kishii et al as applied to claims 1-5, 7, 9-12, 15, 18, and 19 above, and further in view of the following comment.

The rejection is maintained as stated in the Office Action mailed 12-17-01.

Claims 23-26 remain rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 2823

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the specification as originally filed of the used of hydrogen peroxide only. There is only seen support for hydrogen peroxide and nitric acid (Page 8, lines 1-2), and hydrogen peroxide and deionized water (Page 8, lines 15-19).

The rejection is maintained as stated in the Office Action mailed 12-17-01, and as stated below.

Applicant argues that there is adequate description for recitation of "consisting of" or "consisting essentially of" hydrogen peroxide. However, the portion of the specification pointed to does not describe the use of such a solution. Hydrogen peroxide is a solid at room temperature, and the portion pointed to only describes the use of aqueous solution.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. See **MPEP 203.08**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner J. Garcia whose telephone number is (703) 306-5733. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703) 308-7722 (and 7724), and (703) 305-3431 (and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.



JAG
3/13/02